

North Smithfield Zoning Board

October 8, 2008

Kendall Dean School

83 Greene St., Slatersville

The Chair called the meeting to order at 7:05 pm.

I. Roll Call

Present: Steve Scarpelli, Bill Juhr, Vin Marcantonio, Guy Denizard, Stephen Kearns, Mario DiNunzio. Also present were Building Official Bob Benoit, Assistant Town Solicitor Bob Rossi, and stenographer Shelly Deming from Allied Court Reporters.

The Chair disclosed that no compensation or pension credits are received by the members for their service on the Zoning Board.

II. Approval of Minutes—August 19, 2008 and September 16, 2008

Mr. Juhr made a motion to approve the minutes of August 19, 2008, as corrected. Mr. Kearns seconded the motion, with all in favor.

Mr. Kearns made a motion to approve the minutes of September 16, 2008. Mr. Juhr seconded the motion, with all in favor. (Mr. DiNunzio voted in place of Mr. Scarpelli.)

III. Approval of the written decision granting a Special Use Permit, per section 5.6.3.5, on the application of Ryan Brouillette, requesting to

remove earth material (gravel). Locus: 1028 Providence Pike, Plat 11, Lot 48.

Mr. Jühr made a motion to approve the written decision on the application of Ryan Brouillette for a Special Use Permit. Mr. Kearns seconded the motion, with all in favor. (Mr. DiNunzio voted in place of Mr. Scarpelli.)

Mr. Scarpelli made a motion to move agenda item V (Continued application of Joe Jenks) before item IV (Continued application of Pound Hill Office & Building Park, LLC). Mr. Denizard seconded the motion, with all in favor.

V. Continued application of Joe Jenks (owner Mary Zurowski), requesting to construct a building to be used as a religious institution, which requires a Special Use Permit, per section 5.4.4, subsection 5. Locus is 1054 Victory Highway, Plat 1, Lots 141 & 151.

The Chair stated that since the peer review of the traffic study has not yet been completed by Commonwealth Engineering, the hearing will be continued until later in the month. The applicant submitted sections of an application filed with DOT by Andrews Survey and Engineering for the applicant. Mr. Scarpelli made a motion to accept the document as exhibit P 21. Mr. Kearns seconded the motion, with all in favor.

Mr. Jühr made a motion to continue the application to October 21, 2008 at Primrose Fire Station at 7:00 pm, since the Board is still awaiting the final report from the engineers providing peer review. Mr. Jühr also stated that he wished to make it clear that the neighbors of the property will be able to speak to the Board once the peer review is presented and the applicant finishes their testimony. Joe Jenks asked the Board if they had any assurance on when the peer review will be presented. He was under the impression that it was ready for this meeting. Mr. Rossi stated that he fully expects it will be ready by next week in order to give the Board time to review it before October 21. Mr. Scarpelli seconded the motion, with all in favor.

VI. Continued application of Pound Hill Office & Building Park, LLC, requesting to open and operate a daycare center and an indoor and outdoor commercial recreational facility, which will require the granting of a Special Use Permit, per sections 5.4.4 (2A)-Day Care, 5.4.5(1.2)-Other Outdoor Commercial Recreation and 5.4.6 (7)-Indoor Commercial Recreation. Locus is 621 Pound Hill Road, Plat 8, Lot 299.

Attorney Chris O'Connor addressed the Board. He stated that the applicant is waiting for the Board's decision on the outdoor recreation portion of the application. The Chair letter stated the Board had received a letter from the Conservation Commission this evening. Mr. O'Connor stated that he had also received a copy of it on Monday, October 6. The Board took a minute to read the letter.

Don Gagnon, chair of the Conservation Commission was present to answer questions. 03 Exhibit Mr. Scarpelli made a motion to enter the letter as exhibit O3. Mr. Kearns seconded the motion, with all in favor.

Mr. Kearns asked about the applicant's DEM permit, and whether the DEM will be satisfied with the plans as presented. Applicant Peter Sangermano stated that this is a modification of site plan, which is usually an administrative process, but because the new plans reduce the impact on the wetlands, he expects the DEM to approve the modifications. However, he has not yet received the approval letter yet from DEM. Kenneth Conte was sworn in by the court stenographer. Mr. Conte is the project manager and the director for the submission to DEM. He is a land surveyor and civil engineer. He insured the Board that the DEM has received the same narrative for the project as was submitted to the Board. The issue of the parking on pervious surface will be brought to the DEM's attention as they review the plans and description of project. Mr. Denizard asked if the applicant could provide a cross-section of the parking surface to be sure it can support the load of a vehicle. Mr. Conte stated that the site was already approved and designed to support parking. The site has been stabilized for parking.

Mr. DiNunzio asked the applicant if they had a response to the Conservation Commission's objections. Mr. Sangermano stated that they do not expect that the overflow parking area will be needed.

Because of the schedule of use of the buildings and the proposed fields, the parking area for Building 1 will be available to people using the athletic fields. The only time they anticipate the possibility of overflow parking is perhaps during a tournament. The applicant expects that the parking will be so infrequent, that there will be no effect. Mr. Kearns asked the applicant what the effect on the project would be if they lost 69 spaces. Mr. Sangermano replied that the parking spaces are not necessary for the project, but are required by zoning regulations. The only way to reduce the number of parking spaces is by variance. He stated that 261 spaces are required, but without the overflow parking, there are 192 spaced available. The Board and the applicant discussed modifying or amending the application to include a variance on the parking spaces. The Board stated their preference on keeping the area green if the applicant is convinced the extra parking is not necessary. Don Gagnon was sworn in by the stenographer. The Board asked Mr. Gagnon if the Conservation Commission would agree that granting a variance on parking spaces would mitigate their concerns. Mr. Gagnon stated that he absolutely agreed with the variance as a solution. Mr. Juhr asked if any land was available on the adjacent lots. Mr. Sangermano stated that there was not, due to the grade difference being too great.

Mr. Kearns agreed with applicant that the expected usage patterns of the buildings will not require 261 spaces and stated that he thinks an amendment to the application should be granted. The Chair asked Mr. Gagnon to point out on the plans the vulnerable areas. Mr.

Gagnon stated that he has concerns with parking on any part of the field, and especially in the northern side of the field area. Mr. Gagnon also stated that the applicant has an excellent sewer and drainage system for the impervious surface.

Mr. DiNunzio made a motion to allow the applicant to amend their application to include a request for a variance on the number of parking spaces. The applicant requested a variance of 69 spaces, which brings the total number of parking spaces to 192 from 261 required. Mr. Kearns seconded the motion. Zoning Board vote was as follows: AYE: Mr. Juhr, Mr. Kearns, Mr. Marcantonio, Mr. Denizard, Mr. DiNunzio. Motion passed, with a vote of 5-0.

Mr. DiNunzio made a motion to approve the variance that the number of parking places be reduced from 261 down to 192 spaces, with the condition that all parking will be on impervious areas. Mr. Kearns seconded the motion. Zoning Board vote was as follows: AYE: Mr. Juhr, Mr. Kearns, Mr. Marcantonio, Mr. Denizard, Mr. DiNunzio. Motion passed, with a vote of 5-0.

Mr. DiNunzio made a motion to approve the application of Pound Hill Office & Building Park, LLC, requesting to open and operate a daycare center and an indoor and outdoor commercial recreational facility (specifically outdoor athletic fields), granting a Special Use Permit, per section 5.4.5(1.2)-Other Outdoor Commercial Recreation. Locus: 621 Pound Hill Road, Plat 8, Lot 299, with findings of fact to

be included in the written decision to be approved later. The Chair asked if the Board should specify the use in the motion. Mr. O'Connor stated that the applicant does not have to specify, other than outdoor recreational use. Mr. Rossi stated that the Board cannot get into those specifics, but as the plans depict playing fields and athletic field sports, the Board is approving the use based on the plans presented. Mr. Juhr stated that he is worried about activities such as paintball. Mr. Rossi stated that the statement of "outdoor athletic fields" in the motion should be sufficient. Mr. Kearns seconded the motion. Zoning Board vote was as follows: AYE: Mr. Juhr, Mr. Kearns, Mr. Marcantonio, Mr. Denizard, Mr. DiNunzio. Motion passed, with a vote of 5-0.

Mr. Juhr made a motion to adjourn at 8:20 pm. Mr. Kearns seconded the motion, with all in favor.